

OLC 74-1965
9 September 1974

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MEMORANDUM FOR: Acting Legislative Counsel

SUBJECT: H. R. 1281, Amending Title 5 to protect the
constitutional rights of Federal employees

1. H. R. 1281, introduced by Charles H. Wilson (D., Calif.), is scheduled for markup 12 September by the Subcommittee on Retirement, House Committee on Post Office and Civil Service, chaired by Representative Jerome R. Waldie (D., Calif.). Section (b) (page 9, line 7) grants the CIA, FBI, AND NSA an exemption from section (a). Section (a) establishes employee rights against the Government for engaging in any of the activities which are expressly prohibited. The exemption is the same as in the bill introduced by Representative James Hanley (D., N. Y.) in the last Congress when he was Chairman of the Subcommittee. At that time, we and OGC considered the exemption adequate.

2. Today, I called John Martiny, General Counsel, House Committee on Post Office and Civil Service. He is certain that the Subcommittee will report out H. R. 1281. He assured me that the exemption granted CIA from section (a) of the bill is in effect a total exemption. He is concerned, however, about an amendment, introduced by Representative Morris K. Udall (D., Ariz.), which would require all agencies to submit reports to the Congress on their implementation of the bill. Martiny will review the Subcommittee reported out version carefully in this regard and provide us a copy as soon as possible, giving us the opportunity to comment to the full Post Office and Civil Service Committee as we deem necessary.

3. Until we hear from Martiny, I suggest that OGC review the exemption in H. R. 1281 to assure that their position is unchanged.

*Pls. do.
done*

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[Redacted Signature Box]

Assistant Legislative Counsel

Att: H. R. 1281

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